

Report on Asbestos-Containing Materials in Schools Inspection to Determine Compliance with  
Toxics Substance Control Act and 40 C.F.R. Part 763, Subpart E

**School Inspected:**

Mentor High School  
6477 Center Street, Mentor, Ohio 44060

**Local Education Agency / School Managed By:**

Mentor Public Schools  
6451 Center Street, Mentor, Ohio 44060

Inspected on November 16, 2021

Performed by:

U.S. Environmental Protection Agency - Region 5  
Enforcement and Compliance Assurance Division  
Land Enforcement and Compliance Assurance Branch  
Pesticides and Toxics Compliance Section  
77 W. Jackson Boulevard, Chicago, Illinois 60604

EPA File Number: 22TA002

ICIS: 3601361067

TSCA Inspection Report [Inspection No. 20211115\_01\_TSCA\_22TA002]

**I. Local Educational Agency (LEA) / School Inspected Background**

- A. Mentor Public Schools is a public not-for-profit school district that manages 12 public schools that ranges from Pre-K to 12<sup>th</sup> Grade, and currently has a total of 7,600 students enrolled (<https://www.mentorschools.net/>) (Refer to Attachment A.1.).
- B. Mentor High School is a public school managed by Mentor Public Schools. The Mentor High School services 9<sup>th</sup> grade to 12<sup>th</sup> grade. The school building was built in 1965, with improvements made from 1999 to 2000 (Refer to Attachment A.2.).
- C. According to Mentor Public Schools' website, its AHERA Designated Person is identified to be Mr. Rick Kolar (Refer to Attachment A.3.).

**II. Date of Inspection:** November 16, 2021

**III. Inspection Objectives**

- A. To investigate Mentor Public Schools' level of compliance with the Asbestos-Containing Materials in Schools Rule (40 C.F.R. Part 763, Subpart E) pursuant to the Asbestos Hazard Emergency Response Act (AHERA) and promulgated under the Toxic Substances Control Act (TSCA).
- B. The inspection was initiated as a for-cause inspection with a focus on Mentor High School.

**IV. Pre-Inspection Activities**

- A. On November 5, 2021, EPA received a citizen complaint alleging that that Mentor Public Schools' custodial staff have been exposed to Asbestos-Containing Material (ACM)/Asbestos-Containing Building Material (ACBM) from a ceiling tile project in Mentor High School that occurred from May 2021 to present. The complainant stated that Mentor Public Schools did not properly train its custodial staff in asbestos management activities or inform them of the areas where ACM/ACBM were located in Mentor High School.

- B. On November 8, 2021, EPA issued the Notice of Inspection letter via e-mail to Mr. Rick Kolar, Mentor Public Schools' Designated Person. The letter notified Mentor Public School more than five-days in advance of the inspection that EPA would review Mentor Public Schools' asbestos management plans to determine Mentor Public Schools' compliance with AHERA (Refer to Attachment B).
- C. On November 10, 2021, Mr. Kolar replied to EPA's Notice of Inspection Letter via e-mail that he would meet with EPA for the compliance inspection on November 16, 2021 (Refer to Attachment C).
- D. According to Mentor Public Schools' website, the AHERA management plan availability notice was posted on September 1, 2021 (Refer to Attachment D).
- E. On November 12, 2021, EPA received information from the Ohio Environmental Protection Agency that Mentor Public Schools submitted 20 asbestos hazard abatement/renovation project notification forms from calendar years 2002 to 2021. 18 out of 20 asbestos hazard abatement/renovation projects were for various locations in Mentor High School. 2 out of the 20 asbestos hazard abatement/renovation project notifications were for Sterling Morton Elementary School, Ridge Junior High School, and the Horticulture buildings (Refer to Attachment E).
- F. On November 15, 2021, EPA received information from the Ohio Public Employment Risk Reduction Program (PERRP) that it had recently closed out an investigation with no action on Mentor Public Schools regarding the same allegations as referred to in paragraph IV-A.

**V. Inspection Participants**

- A. Christina Saldivar, EPA Inspector Lead
- B. Michael Todd, EPA Inspector-in-Training
- C. Yeyzy Vargas, EPA Inspector-in-Training

- D. Rick Kolar, Building and Grounds Coordinator for Mentor Public Schools
- E. Kathy Burnett, Human Resources Director for Mentor Public Schools
- F. Michael Swider, Head Custodian for Mentor Public Schools
- G. Joseph Brennan, Attorney, Walter Haverfield (Representing Mentor Public Schools)

## **VI. Inspection Summary**

### **A. Initial Entry and Opening Conference**

1. Inspector Saldivar, Inspector Todd, and Inspector Yeyzy (collectively as “EPA Inspectors”) arrived at Mentor Public School’s Administrative building at 11:10 AM ET.
2. The receptionist directed the EPA Inspectors to a conference to meet with the Mentor Public Schools representatives, Mr. Kolar, Ms. Burnett, and Mr. Brennan (collectively as “Mentor Public Schools Representatives”).
3. Mr. Brennan, Mr. Kolar, and Ms. Burnett shared their business cards with the EPA Inspectors (Refer to Attachment F).
4. Mr. Brennan walked over to one side of the conference room table to show the EPA Inspectors that Mentor Public Schools has three boxes of asbestos management information available for EPA to review. Mr. Brennan explained that one box contains copies of Mentor Public Schools’ asbestos management plans for EPA to review and collect, and the other 2 boxes contains original copies of Mentor Public School’s asbestos management plans that were available for EPA to review, but not to collect.
5. The opening conference began approximately at 11:16 AM ET in the conference room at Mentor Public Schools’ Administration Building.
6. Inspector Saldivar suggested that everyone present in the conference room introduce themselves. The EPA Inspectors introduced themselves

individually, and then Mr. Brennan, Ms. Burnett and Mr. Kolar introduced themselves individually.

7. Inspector Saldivar presented her federal credentials to the Mentor Public Schools' Representatives.
8. Inspector Saldivar explained to the Mentor Public School's Representatives that the purpose of EPA's inspection is to determine Mentor Public Schools' compliance with the Asbestos in Schools Rule. Inspector Saldivar further explained that the scope of the EPA inspection would consist of inspection formalities, such as completion of EPA inspection forms; interview questions and discussion on Mentor Public Schools background and activities in managing asbestos in its school buildings; review of Mentor Public Schools' available asbestos management plan information as required by the Asbestos in Schools Rule; a walkthrough of selected Mentor Public Schools' school buildings; and, a closing conference to wrap up the inspection and to address any follow up necessary.
9. Inspector Saldivar explained that EPA's inspection is a for cause inspection due to EPA receiving a complaint alleging Mentor Public Schools may not be properly managing ACM or ACBM in its school buildings.
10. Mr. Brennan asked Inspector Saldivar when EPA received the complaint regarding Mentor High School. Inspector Saldivar answered EPA received the complaint on November 5, 2021.
11. Mr. Brennan informed the EPA Inspectors that Mr. Michael Swider, the head custodian of Mentor High School, will lead the walkthrough at Mentor High School.

12. Inspector Saldivar requested that the inspection have a proposed schedule that consists of interview and asbestos management plan review from 11AM to 1PM; lunch break from 1PM to 2PM; and, walkthrough of Mentor High School starting at 2PM.
13. The Mentor Public Schools' Representatives agreed that the proposed inspection schedule was reasonable.
14. Inspector Saldivar presented to Mr. Brennan the "TSCA Notice of Inspection and Consent for Access" form, and explained the purpose of the form is to provide Mentor Public Schools official notice that EPA will be conducting an inspection under TSCA, and that EPA will collect certain information to determine Mentor Public Schools' compliance with the Asbestos in Schools Rule.
15. Mr. Brennan reviewed the form and presented the form to Ms. Burnett.
16. Ms. Burnett reviewed and signed the "TSCA Notice of Inspection and Consent for Access" form (Refer to Attachment G).
17. Inspector Saldivar presented Mr. Brennan with the "TSCA Inspection Confidentiality Notification" form and explained Mentor Public Schools' right to claim confidential business information (CBI) under TSCA during the inspection. Inspector Saldivar provided to Mr. Brennan an informational handout entitled "TSCA Inspection Informational Sheet: Confidential Business Information" (Refer to Attachment H).
18. Inspector Saldivar explained to the Mentor Public Schools' Representatives the difference between information claimed as TSCA CBI and Personal Identifiable Information.

19. After Mr. Brennan reviewed the form and informational handout, Inspector Saldivar asked the Mentor Public Schools' Representatives if they expected to claim any of the information that EPA will collect during the inspection as TSCA CBI.
20. Mr. Brennan and Ms. Burnett stated that Mentor Public Schools does not anticipate claiming the information EPA will collect during the inspection as TSCA CBI.
21. Mr. Brennan presented the form and informational handout to Ms. Burnett, and Ms. Burnett signed the "TSCA Inspection Confidentiality Notification" form (Refer to Attachment I).
22. Inspector Saldivar presented Mr. Brennan with the "TSCA Declaration of Confidential Business Information" form, and explained that any TSCA CBI that is claimed during the inspection will be recorded in this form.
23. Inspector Saldivar presented to Mr. Brennan the "TSCA Receipt for Samples and Documents" form, and explained that all documentation and photos collected during the inspection will be recorded in this form.
24. All inspection forms signed by Ms. Burnett were returned to Inspector Saldivar.
25. Inspector Saldivar announced that the inspection's opening conference is completed, and the next phase of the inspection is to have a "Question and Answer" discussion on Mentor Public Schools' background and compliance requirements with the Asbestos in Schools Rule.
26. The opening conference ended at 11:25 AM ET.

B. Interview/Discussion - LEA Background

1. Inspector Saldivar asked the Mentor Public Schools' Representatives to identify Mentor Public Schools as a public non-for-profit LEA or a private for-profit LEA.
2. Ms. Burnett answered that Mentor Public Schools is a public non-for-profit.
3. Inspector Saldivar asked the Mentor Public Schools' Representatives to identify the number of students enrolled at Mentor Public Schools.
4. Ms. Burnett stated that 750 students are currently enrolled at Mentor Public Schools.
5. Inspector Saldivar asked the Mentor Public Schools' Representatives to identify the number of schools Mentor Public Schools operates.
6. Ms. Burnett stated that Mentor Public Schools operates a total of 12 schools.
7. Inspector Saldivar asked the Mentor Public Schools' Representatives to identify the grade levels Mentor Public Schools services.
8. Ms. Burnett stated that Mentor Public Schools services Pre-K to 12<sup>th</sup> grade.
9. Inspector Saldivar asked the Mentor Public Schools' Representatives to identify the number of school buildings Mentor Public Schools owns or manages.
10. Ms. Burnett stated Mentor Public Schools owns and manages a total of 14 school buildings.
11. Inspector Saldivar asked the Mentor Public Schools' Representatives if Mentor Public Schools hires a third-party asbestos consultant, and to identify the third-party consultant.
12. Mr. Kolar stated that Mentor Public Schools hires EA Group, and that the consultant's contact information is in the boxes of information for EPA to review.



### C. Interview/Discussion - LEA Regulatory Requirements

1. Inspector Saldivar asked the Mentor Public Schools' Representatives if Mentor Public Schools assigned and trained an individual to oversee all asbestos-related activities within Mentor Public Schools as required by the Asbestos in Schools Rule, and if so, to identify the designated person.
2. Mr. Kolar identified himself as the Mentor Public Schools' designated person.
3. Inspector Saldivar asked Mr. Kolar if he received adequate training with basic knowledge of health effects of asbestos, detection, identification, and assessment of ACM, options for controlling ACBM, asbestos management programs, and relevant federal and state regulations concerning asbestos.
4. Mr. Kolar stated that he has received such training.
5. Inspector Saldivar asked Mr. Kolar to identify the type of training courses he has taken to meet the training requirements of a designated person as required under the Asbestos in Schools Rule.
6. Mr. Kolar stated that he took a 5-day AHERA Designated Person training course at TSI approximately around calendar year 2010.
7. Inspector Saldivar asked Mr. Kolar if he could provide certification of his training. Mr. Kolar stated that the training completion certificate is currently unavailable.
8. Inspector Saldivar requested Mr. Kolar to provide the training completion certification via email after the inspection. Mr. Kolar and Mr. Brennan agreed to provide the follow up item.
9. Inspector Saldivar asked the Mentor Public Schools' Representatives if Mentor Public Schools distributes an annual written notification to parents,

teachers, employee organizations, and relevant organizations of the availability of the asbestos management plan, and if so, how the annual notification is distributed.

10. Ms. Burnett stated that Mentor Public Schools posts the annual notification on its website, and the Mentor Public Schools' staff receives the annual notification through its *Public School Works* platform.

11. Inspector Saldivar asked the Mentor Public Schools' Representatives if Mentor Public Schools informs workers, building occupants, or legal guardians at least once each school year about inspections, response actions, and/or post-response action activities that are planned or in progress.

12. Ms. Kolar stated that Mentor Public Schools informs its building occupants, workers, and legal guardians via the Mentor Public Schools' website.

13. Inspector Saldivar asked the Mentor Public Schools' Representatives if Mentor Public Schools ensures that all custodial and maintenance employees are properly trained in asbestos awareness or asbestos management, and if so, what type of training is provided to those employees.

14. Mr. Kolar stated that all of Mentor Public Schools' custodial and maintenance employees are trained in the 2-hour asbestos awareness training and Class III Asbestos Training under OSHA.

15. Inspector Saldivar asked the Mentor Public Schools' Representatives if Mentor Public Schools ensures that short-term workers who may come in contact with asbestos in a school building are provided information regarding the locations of ACBM and suspected ACBM assumed to be

ACM, and if so, how, and when does Mentor Public Schools inform the short-term workers.

16. Mr. Kolar stated that Mentor Public Schools verbally informs the short-term workers of the school buildings' locations of ACBM/ACM, and that such information is discussed during trainings with maintenance staff.

#### D. Interview/Discussion - LEA Asbestos Management Plan Requirements

1. Inspector Saldivar asked the Mentor Public Schools' Representatives if Mentor Public Schools has an administrative asbestos management plan, and to identify the location of the administrative asbestos management plan.
2. Mr. Kolar stated that Mentor Public Schools currently has an administrative asbestos management plan, and it is located in Mentor Public Schools' administrative building.
3. Inspector Saldivar asked Mr. Kolar if each school under Mentor Public Schools has an asbestos management plan, and to identify the locations each schools' asbestos management plan.
4. Mr. Kolar stated that each school managed by Mentor Public Schools has an asbestos management plan, and that the asbestos management plan is located in each schools' head custodian office.
5. Inspector Saldivar asked the Mentor Public Schools' Representatives if any school building managed by Mentor Public Schools has an asbestos-free certification or inspection exemption.
6. Mr. Brennan stated that Mentor Public School does not have an asbestos-free certification or inspection exemption for any of its school buildings.
7. Inspector Saldivar asked the Mentor Public Schools' Representatives if any of the school buildings managed by Mentor Public Schools recently

underwent or is undergoing major renovations, demolitions, removal, or disturbances of ACBM/ACM and if so, to please describe when, where, and how the asbestos activities were conducted.

8. Mr. Kolar stated that the school buildings managed by Mentor Public Schools have not recently undergone any major work or disturbances of ACM/ACBM.
9. Inspector Saldivar asked the Mentor Public Schools' Representatives how Mentor Public Schools continuously updates each schools' asbestos management plan.
10. Mr. Kolar stated he handles each school's asbestos management plan, and sends the updated reinspection reports to each of the schools' head custodian to place into each school's respective asbestos management plan.
11. Inspector Saldivar informed the Mentor Public Schools' Representatives that the "Question and Answer" discussion portion of the inspection had been completed, and the next phase of the inspection is for the EPA Inspector to review the available asbestos management plans.
12. Inspector Saldivar stated to the Mentor Public Schools' Representatives that they are welcome to stay in the conference room during the asbestos management plan review or leave and return when the review is over.
13. Each of the Mentor Public Schools' Representatives chose to leave the conference room and return when the review was over at the agreed time of 2:00 PM ET.

#### E. Review of Asbestos Management Plans

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1. After the Mentor Public Schools' Representatives left the conference room, the EPA Inspectors reviewed the three boxes provided by Mentor Public Schools that contained the asbestos management plans.
2. The asbestos management plan review started at 11:35 AM ET.
3. The EPA Inspectors needed additional time to review the asbestos management plans, so it was agreed between the EPA Inspectors and the Mentor Public Schools' Representatives that the Mentor Public Schools' Representatives would return to the conference room at 2:30 PM ~~ET~~.
4. All asbestos management plan records that were reviewed and collected during the inspection are organized as attachments to this inspection report as follows:
  - Attachment K: Asbestos Management Plans for 14 School Buildings
  - Attachment L: Reinspection Reports for 12 School Buildings
  - Attachment M: Periodic Surveillance Reports for 12 School Buildings
  - Attachment N: 2021 Abatement Reports and Clearance Reports
  - Attachment O: EA Group's Suspect Asbestos-Containing Materials Sampling and Analysis Report – Ceiling Tile Assessment for 11 School Buildings
  - Attachment P: Asbestos Class III Operations and Maintenance Training Records for Custodial Staff
5. The EPA Inspectors reviewed and made observations on the asbestos management plans for the following five school buildings: Mentor High School, Orchard Hollow Elementary School, Bell Flower Elementary School, Fairfax Elementary School, and CARES. Please refer to Attachment Q for the ~~overall~~ observations that were made ~~during the review of the~~

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~~asbestos management plans for each of the 14 school buildings Mentor Public Schools owns and manages.~~ on the five school buildings.

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6. The following miscellaneous asbestos management plan records were reviewed and collected during the inspection:
  - An additional six custodial staff employees were certified in *Class III Operations and Maintenance* training by EA Group, Inc. in August 2021.
  - The *Class III Operations and Maintenance* training sign-in sheets for each of Mentor Public Schools' custodial staff employees were present and available during the inspection (Refer to Attachment P.1).
  - The *Class III Operations and Maintenance* training by EA Group, Inc. training PowerPoint was present and available during the inspection (Refer to Attachment P.2).

#### F. Asbestos Management Plan Review Discussion

1. The Mentor Public Schools' Representatives returned to the conference room at 2:30 PM ET.
2. Mr. Brennan provided the EPA Inspectors two asbestos training certifications for Mr. Kolar.
  - Mr. Kolar's first certification was for an AHERA Designated Person training course dated on March 20, 2014 (Refer to Attachment R). Mr. Kolar's second certification was for an Asbestos Contractor Supervisor Initial training course dated on January 12, 2007 (Refer to Attachment S).
2. Inspector Saldivar initiated the discussion with the Mentor Public Schools' Representatives that the EPA Inspectors' observations on Mentor Public

Schools' asbestos management plans will not be an official compliance determination. Inspector Saldivar explained that the EPA Inspectors are sharing their observations with the Mentor Public Schools' Representatives, for the benefit of Mentor Public Schools understanding of any potentially concerning issues with AHERA.

3. Inspector Saldivar stated that the EPA Inspectors observed the following concerns for Mentor High School, Orchard Hollow Elementary School, Bell Flower Elementary School, Fairfax Elementary School, and CARES:
  - a) The management plans for each of the five school buildings are missing documentation for referenced repairs, maintenance, or removal work that occurred.
  - b) The Designated Person Assurance Statements were incomplete or not dated.
  - c) It appears that the documentation for certain response actions were missing based on the abatement clearance reports that were present in the management plans.
4. Inspector Vargas stated that the asbestos management plans for each of the 14 school buildings is outdated and does not explain how the annual notifications are distributed. Specifically, the current management plans state that Mentor Public Schools will distribute the annual notification via written letter; while, Mentor Public Schools distributes its annual notification electronically via its district website.
5. Inspector Saldivar [then](#) asked some [clarifying questions](#) to the Mentor Public Schools' Representatives.

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6. Inspector Saldivar asked the Mentor Public Schools' Representatives if the three boxes that were presented at the beginning of the inspection were the complete copies of Mentor Public Schools' asbestos management plans.
7. Mr. Kolar stated that the three boxes contained complete copies of Mentor Public Schools' asbestos management plans.
8. Inspector Saldivar stated that the majority of the asbestos management plans for Mentor Public Schools are dated in 2010, and asked if there were any previous asbestos management records prior to 2010.
9. Mr. Kolar stated his employment with Mentor Public Schools started in 2008, and was unsure of any prior asbestos management records prior to 2010 are available.
10. Ms. Burnett stated that Ms. Diana Zarlenga was the previous designated person prior to Mr. Kolar. However, Ms. Zarlenga has been retired for a number of years already.
11. Inspector Saldivar stated that it appears a majority of Mentor Public School's custodial staff received the Class III Operations and Maintenance Training in 2021 and asked if there was any additional training documentation prior to 2021 in Mentor Public Schools' asbestos management plans.
12. Mr. Kolar stated that Mentor Public Schools' custodial staff are trained within 6 days of employment, and that all 2-hour Asbestos Awareness Training documentation should be present and available.
13. Inspector Saldivar requested the Mentor Public Schools' Representatives provide copies of documentation showing the 2-hour Asbestos Awareness



Training was taken prior to 2021. It was agreed that it would be provided as a follow up item after the inspection.

14. Inspector Saldivar reiterated to the Mentor Public Schools' Representatives that EPA conducted the inspection because it received a citizen complaint alleging Mentor Public Schools was not managing its ACM in Mentor High School. Inspector Saldivar asked the Mentor Public Schools' Representatives how Mentor Public School has been handling the situation involving Mentor High School.
15. Mr. Brennan stated that the situation with Mentor High School started with construction work occurring at Mentor High School's 1<sup>st</sup> Floor, C-Wing, during June 2021. The construction work consisted of a hired third-party contractor replacing the glass walls.
16. Mr. Brennan continued to explain that the custodial staff were instructed to remove old ceiling tiles in Mentor High School's 2<sup>nd</sup> Floor, C-Wing, during June 2021 due to water damage. The custodial staff raised concerns of exposure to asbestos from the ceiling tile removal work, and Mentor Public Schools hired EA Group, Inc. to sample the ceiling tile. EA Group, Inc.'s sampling results demonstrated that the ceiling tile of concern were non-ACM.
17. Mr. Brennan further explained that Ohio's [Public Employment Risk Reduction Program](#) (PERRP) also conducted an investigation into the allegations that Mentor Public Schools' custodial staff may have been exposed to asbestos. Mr. Brennan stated that Mentor Public Schools assumed that the investigation was closed after PERRP's investigation.

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18. Inspector Saldivar thanked Mr. Brennan for the explanation, and Mr.

Brennan stated that they would meet with Mr. Swider so that he could show the EPA Inspectors the area of the ceiling tile removal project.

G. School Walkthrough – Mentor High School

1. The EPA Inspectors and Mentor Public Schools' Representatives left the conference room and made a short walk to the Mentor High School at 2:46 PM ET.
2. When entering the Mentor High School's administrative office, the building appeared to be new construction.
3. While walking to Mentor High School's C-Wing, Inspector Saldivar asked Mr. Kolar when Mentor High School was built.
4. Mr. Kolar stated that Mentor High School was built in 1965, however, the Mentor High School administrative office is a new addition.
5. Upon arrival to the C-Wing, Upper Level, the Mentor Public School's Representatives and EPA Inspectors met with Mr. Swider.
6. The EPA Inspectors requested Mr. Brennan and Mr. Swider to direct them to the ceiling tile removal project and Mentor High Schools' boiler room.
7. The EPA Inspectors and Mentor Public Schools' Representatives followed Mr. Swider to C-Wing, Upper Level, Classroom C200.
8. Mr. Swider explained that all of the ceiling tiles in Classroom C200 were removed [previously](#) by custodial staff.
9. Upon arrival to Classroom C200, the [replaced](#) ceiling tile appeared to be in good condition. There was carpeting in the classroom as well. (Refer Attachment T: DSCN 1060, 1061, and 1062.)

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10. Inspector Todd asked Mr. Swider if any floor tile under the carpet had been removed in Classroom C200.
11. Mr. Swider stated that the floor tile underneath the carpet had not been removed. Mr. Swider explained that the condition of the floor tile should be available in the asbestos management plan.
12. Mr. Swider stated that the ceiling tile removal extended to the C-Wing, Lower Level, Lobby Area and that the ceiling tile was removed by SafeAir Contractors, Inc.
13. The EPA Inspectors and Mentor Public Schools' Representatives followed Mr. Swider to C-Wing, Lower Level, Lobby Area.
14. Before leaving the C-Wing, Upper Level, the first step of the stairs to the Lower Level appeared to be deteriorated (Refer to Attachment T: DSCN 1063).
15. Upon arrival of the C-Wing, Lower Level, Lobby Area, the ceiling tile appeared to be in good condition (Refer to Attachment T: DSCN 1064).
16. Mr. Swider stated that the entire ceiling tile in the Lobby Area was abated by SafeAir Contractors, Inc., and that all abatement projects are planned out when sampling the abated ACM ~~is when~~ possible.
17. Inspector Todd asked Mr. Swider if the terrazzo floor tile in the Lobby Area was disturbed at any point.
18. Mr. Swider stated that the terrazzo floor tile was covered with a layer of ~~of~~ resin in the past and had not been exposed.
19. The EPA Inspectors and Mentor Public Schools' Representatives followed Mr. Swider to I-Wing, Lower Level, Boiler Room.

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20. Mr. Swider explained that Mentor High School has only one boiler room, and that the pipe insulation fittings had been abated prior to calendar year 2000 (Refer to Attachment T: DSCN 1065, 1066, and 1067).
21. Inspector Todd asked Mr. Swider if there is any spray-on fireproofing in Mentor High School.
22. Mr. Swider stated that the only spray-on fireproofing in Mentor High School is in the F-Wing's Fine Arts room.
23. The EPA Inspectors decided to end the school walkthrough due to limited amount of time.
24. The EPA Inspectors and Mentor Public Schools' Representatives left the Mentor High School to return back to the conference room at 3:13 PM ET.

#### H. Closing Conference

1. The EPA Inspectors and Mentor Public Schools' Representatives returned to the conference room at Mentor Public Schools' Administrative Building at 3:16 PM ET.
2. Inspector Saldivar asked the Mentor Public Schools' Representatives if they are considering claiming any information collected during the inspection as TSCA CBI.
3. Mr. Brennan and Ms. Burnett stated that Mentor Public Schools will not claim any information the EPA Inspectors collected during the inspection as TSCA CBI.
4. Inspector Saldivar stated that the TSCA CBI Declaration form would not be filled out or signed, since Mentor Public Schools was not claiming any information collected during the inspection as TSCA CBI.

5. Inspector Saldivar completed the TSCA Receipt and Samples form, and presented it to Mr. Brennan.
6. Inspector Saldivar explained that the completed TSCA Receipt and Samples form contains a list of all the documentation collected and digital photos taken during the inspection; no physical samples were taken.
7. Mr. Brennan reviewed the completed TSCA Receipt and Samples form and passed it to Ms. Burnett to sign (Refer to Attachment J).
8. Ms. Burnett signed the TSCA Receipt for Samples form.
9. Inspector Saldivar explained to the Mentor Public Schools' Representatives that the role of the EPA Inspectors during the inspection is to collect information and evidence of Mentor Public Schools' compliance with AHERA, and that no compliance determinations are made onsite.
10. Inspector Saldivar further explained to the Mentor Public Schools' Representatives that all determinations regarding noncompliance will be made by an EPA Enforcement Officer.
11. Inspector Saldivar reminded the Mentor Public Schools' Representatives that all information regarding the inspection may be available and disclosed under the Freedom of Information Act (FOIA).
12. Inspector Saldivar explained to the Mentor Public Schools' Representatives that Mentor Public Schools will receive a written inspection report memorializing the events of the inspection within 70 calendar days.  
Inspector Saldivar asked who the inspection report should be sent to.
13. Mr. Brennan requested the inspection report be sent to him via e-mail at [jbrennan@walterhav.com](mailto:jbrennan@walterhav.com).

14. Inspector Saldivar provided Mr. Brennan a compliance assistance package that contained the U.S. EPA Small Business Resources Information Sheet (<https://www.epa.gov/compliance/small-business-resources-information-sheet>), Sensible Steps to Healthier School Environments (<https://www.epa.gov/schools/sensible-steps-healthier-school-environments>), Asbestos and Small Business Ombudsman Flyer ([https://www.epa.gov/sites/default/files/2020-12/documents/asbo\\_flyer\\_2020.pdf](https://www.epa.gov/sites/default/files/2020-12/documents/asbo_flyer_2020.pdf)), and the Small Entity Compliance Guide to Renovate Right ([https://www.epa.gov/sites/default/files/2020-03/documents/small\\_entity\\_guide\\_9-23-11\\_w\\_new\\_cover.pdf](https://www.epa.gov/sites/default/files/2020-03/documents/small_entity_guide_9-23-11_w_new_cover.pdf)).
15. Inspector Saldivar informed Mr. Brennan that an email request for the follow up information would be sent to him after the inspection.
16. The EPA Inspectors left the facility at 3:25 PM ET.

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## VII. Post-Inspection Activities

A. The following nine school buildings' asbestos management plans were reviewed during post-inspection activities: Sterling Morton Elementary School, Garfield Elementary School, Hopkins Elementary School, Lake Elementary School, Shore Middle School, Memorial Middle School, Ridge Middle School, Administration Building, and Service Building. Please refer to Attachment Q for the observations that were made on the nine school buildings.

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A.B. One November 22, 2021, EPA received information from the Ohio Environmental Protection Agency that six asbestos NESHAP project notification forms were associated with demolition/renovation projects at Mentor High School from calendar years 2014 to 2017 (Refer to Attachment U).

B.C. On November 22, 2021, Inspector Saldivar emailed Mr. Brennan, Mr. Kolar, and Ms. Burnett the requested inspection follow-up items regarding Mentor Public Schools' school buildings' built year and start of operation year, custodial staff training documentation prior to 2021, and any previous asbestos management plan records prior to 2010. The email requested Mentor Public Schools to provide its response on or before December 10, 2021 (Refer to Attachment V).

C.D. On December 10, 2021, Mr. Brennan provided Mentor Public Schools' response to Inspector Saldivar's inspection follow up request email. Mentor Public Schools' response contained the following information (Refer to Attachment W):

1. **Mentor Public Schools' School Building Information:** All 12 school buildings (Service building and Administration building was not included) were built prior to 1980. It was unknown what calendar year the 12 school buildings were operational.
2. **Custodial Staff Training Documentation Prior to 2021:** It appears that five previous *Class IV Asbestos Awareness and Safety Training* courses (2-Hour Asbestos Awareness) were conducted by the EA Group, Inc. for Mentor Public Schools' custodial and maintenance staff. The ~~five~~ past trainings were conducted on October 20, 2017, August 3, 2016, [August 4, 2014](#), January 28, 2013, and the Summer of 2010.
3. **Asbestos Management Plan Documentation Prior to 2010:** There was no documentation or information available on any asbestos management plan information prior to 2010.

Commented [CE10]: there are only four dates below. Missing one?

## VIII. Attachments

### A. Pre-Inspection Activities: Mentor Public Schools Background

#### A.1. Mentor Public Schools' Website

- A.2. Lake County, Ohio Property Record Card for Mentor High School
- A.3. Mentor Public Schools' AHERA Designated Person
- B. Pre-Inspection Activities: U.S. EPA's Notice of Inspection Letter to Mentor Public Schools (November 8, 2021)
- C. Pre-Inspection Activities: Mentor Public Schools' Receipt of U.S. EPA's Notice of Inspection Letter (November 10, 2021)
- D. Pre-Inspection Activities: Mentor Public Schools' Annual Notification
- E. Pre-Inspection Activities: Ohio EPA's Asbestos Project Notifications for Mentor Public Schools
  - E.1. 20 EPA's Asbestos Project Notifications for Mentor Public Schools
  - E.2. EPA Review and Summary of the Asbestos Project Notifications
- F. Mentor Public Schools' Representatives' Business Cards
- G. TSCA Notice of Inspection and Consent to Access Form
- H. TSCA Inspection Information Sheet: Confidential Business Information
- I. TSCA Inspection Confidentially Notification Form
- J. TSCA Receipt for Samples and Documents Form
- K. Mentor Public Schools - Asbestos Management Plan: Initial Asbestos Management Plans for 14 School Buildings
- L. Mentor Public Schools - Asbestos Management Plan: Reinspection Reports for 12 School Buildings
- M. Mentor Public Schools - Asbestos Management Plan: Periodic Surveillance Reports for 12 School Buildings
- N. Mentor Public Schools - Asbestos Management Plan: 2021 Abatement Reports and Clearance Reports



- O. Mentor Public Schools - Asbestos Management Plan: EA Group's Suspect Asbestos-Containing Materials Sampling and Analysis Report – Ceiling Tile Assessment for 11 School Buildings
- P. Mentor Public Schools - Asbestos Management Plan: Asbestos Class III Operations and Maintenance Training Records for Custodial Staff
  - P.1. Class III Operations and Maintenance Training Sign-In Sheets
  - P.2. Class III Operations and Maintenance Training PowerPoint
- Q. EPA's Review and Observations on Mentor Public Schools' Asbestos Management Plans (Review of Attachments H to M)
- R. Mr. Kolar's AHERA Designated Person Training Completion Certificate
- S. Mr. Kolar's Asbestos Contractor Supervisor Initial Completion Certificate
- T. Photo Log and Digital Photos
- U. Post-Inspection Activities: Ohio EPA's NESHAP Project Notifications for Mentor Public Schools
  - U.1. Six NESHAP Project Notifications for Mentor Public Schools
  - U.2. EPA Review and Summary of the NESHAP Project Notifications
- V. Post-Inspection Activities: U.S. EPA's Inspection Follow Up Request Email (November 22, 2021)
- W. Post-Inspection Activities: Mentor Public Schools' Response to U.S. EPA's Inspection Follow Up Request Email (December 10, 2021)
- X. EPA Inspectors' Notebooks

**U.S. EPA Inspector:**

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Christina Saldivar, Environmental Engineer  
Pesticides and Toxics Compliance Section  
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**Supervisor:**

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